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EXAMINER

FEARER, MARK D

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/521,577	Applicant(s) YOSHIDA ET AL.	
	Examiner MARK D. FEARER	Art Unit 2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-7,9-22 and 32-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-7,9-12,14,16-22 and 32-41 is/are rejected.
- 7) ☒ Claim(s) 13, and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's Amendment filed 17 September 2008 is acknowledged.
2. Claims 3-5, 7, 9-12, 14-22 and 32-40 have been amended.
3. Claim 41 is new.
4. Claims 3-7, 9-22, and 32-41 are pending in the present application.
5. This action is made FINAL.

Allowable Subject Matter

6. Claims 13 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2443

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 3-7, 9-12, 14, 16-22 and 32-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg et al. (US 6400996 B1) in view of Han et al. (US 20030028531 A1) and in further view of Leshem et al. (US 5870559 A).

Consider claims 32-40. Hoffberg et al. discloses an adaptive pattern recognition based control system and method comprising a device linkage control apparatus which identifies a frequency of associated use between devices among a plurality of devices, and controls, in linkage with each other, a set of devices having a high frequency for being used in association with each other, the apparatus comprising: a life data accumulation unit operable to accumulate life data indicating a usage history of the plurality of devices (column 51 lines 7-14); an episode creation unit operable to create, from the life data, a plurality of episode data, based on episode data creation rules

Art Unit: 2443

which determine devices that have been used in association with each other, said plurality of episode data having, as data, a plurality of the devices that have been used in association with each other (column 87 lines 40-67 and column 88 lines 1-13); an episode analysis unit operable to create, from the plurality of episode data, a frequent pattern tree representing, as a tree structure, a frequency at which the respective device sets are used in association with each other (column 52 lines 34-44 and column 142 lines 7-36); a life pattern interpretation unit operable to identify, according to the frequent pattern tree, a combination of device sets as life pattern information, said device sets having a high frequency for being used in association with each other (column 55 lines 15-29); and a control unit operable to control, in linkage with each other, said device sets having a high frequency for being used in association with each other (column 56 lines 56-67, column 57 lines 1-15 and column 133 lines 4-43).

However, Hoffberg et al. does not explicitly disclose a system and method comprising subtrees having respective nodes of the frequent pattern tree as roots, the episode analysis unit constructs the frequent pattern tree with a structure in which element data having a highest frequency becomes a root of a subtree, the life pattern interpretation unit identifies, based on the frequent pattern tree, a device A and a device B, which have a high frequency for being used in association with each other, as a combination having a high association frequency, even when each of said device A and said device B are combined and used in association with various other devices, and the control unit controls, in linkage with each other, at least said device A and said device B. Han et al. discloses methods and system for mining frequent patterns wherein subtrees

Art Unit: 2443

having respective nodes of the frequent pattern tree as roots, the episode analysis unit constructs the frequent pattern tree with a structure in which element data having a highest frequency becomes a root of a subtree, the life pattern interpretation unit identifies, based on the frequent pattern tree, a device A and a device B, which have a high frequency for being used in association with each other, as a combination having a high association frequency, even when each of said device A and said device B are combined and used in association with various other devices, and the control unit controls, in linkage with each other, at least said device A and said device B (Han et al., Claim 31).

Han et al. discloses a prior art frequent pattern tree data structure for use in mining frequent patterns from a database containing a plurality of records, the frequent pattern tree data structure comprising: a root, a plurality of nodes linked to the root, each node associated with a frequent item from the database, the nodes linked to form a plurality of paths, the paths each corresponding to an itemset in a record of the database which reads upon the claimed invention having respective nodes of the frequent pattern tree as roots, the episode analysis unit constructs the frequent pattern tree with a structure in which element data having a highest frequency becomes a root of a subtree, the life pattern interpretation unit identifies, based on the frequent pattern tree, a device A and a device B, which have a high frequency for being used in association with each other, as a combination having a high association frequency, even when each of said device A and said device B are combined and used in

Art Unit: 2443

association with various other devices, and the control unit controls, in linkage with each other, at least said device A and said device B.

Hoffberg et al. teaches a prior art using known techniques that are applicable to the frequent pattern tree data structure of Han et al., namely the use of intelligent, adaptive pattern recognition in order to provide the operator with a small number of high probability choices, which may be complex, without the need for explicit definition of each atomic instruction comprising the desired action. The interface system predicts a desired action based on the user input, a past history of use, a context of use, and a set of predetermined or adaptive rules; an interface that preferably initiates a programming sequence where a user wants to be, so that the interface has so-called "smart screens". For example, when a VCR is first powered up or after an extended power failure, and the time and date are not stored in the machine, the "set date" and "set time" screens should appear. The sequence of screens may also vary depending on the system predicted requirements of the user and various aspects of an improved interface. The preferable input device for the interface of the present invention provides as few buttons as possible to achieve the required functionality, thus reducing potential user intimidation, focusing the user's attention on the interactive display screen, where the available choices are minimized to that number necessary to efficiently allow the user to program the discrete task presented. Such a minimization of discrete inputs facilitates a voice recognition input, which may be used as an alternative to mechanical input devices. The preferred embodiment includes a direct-manipulation type interface, in which a physical act of the user causes a proportionate change in the associated

Art Unit: 2443

interface characteristic, such as cursor position. A computer mouse, e.g. a two dimensional input device, with 1 to 3 buttons is the preferred input device, for use with a general purpose computer as a controller, while a trackball on a remote control device is especially preferred for limited purpose controllers because they do not require a flat surface for operation. Other stationary or movement sensitive input devices may, of course be used, such as joysticks, gyroscopes, sonic echo-location, magnetic or electrostatic location devices, RF phase location devices, joystick-like device with magnets that move with respect to Hall effect transducers), etc. The present interface minimizes the number of necessary keys present on an input device, while maintaining the functionality of the interface. It is noted that a strict minimization without consideration of functionality, might lead to inefficiency. For example, in a VCR device, if the user wants to record a program which airs Monday through Friday, he would have to set five separate programs, rather than one program if a "weeknights" choice is made available that is applicable to the Applicant's life patterns and episode creations.

Thus, it would have been recognized by one of ordinary skill in the art that applying the known technique taught by Hoffberg et al. to the frequent pattern tree data structure of Han et al. would have yielded predictable results and resulted in an improved system, namely, a life pattern home network.

However, Han et al., as modified by Hoffberg et al., does not explicitly disclose a system and method of creating new episodes by extracting subtrees having, as new roots, nodes which are offspring of a node equivalent to a root of the frequent pattern tree, tracking nodes within each of the extracted subtrees starting from the root, and

Art Unit: 2443

combining element data stored in the nodes; performing, recursively, the subtree extraction and said creating new episode operation on the created new episodes until there are no more subtrees; and reconstructing the frequent pattern tree by integrating recursively constructed subtree frequent pattern trees, into positions in the frequent pattern tree.

Leshem et al. discloses a software system and associated methods for facilitating the analysis and management of web sites comprising a method of creating new episodes by extracting subtrees having, as new roots, nodes which are offspring of a node equivalent to a root of the frequent pattern tree, tracking nodes within each of the extracted subtrees starting from the root, and combining element data stored in the nodes; performing, recursively, the subtree extraction and said creating new episode operation on the created new episodes until there are no more subtrees; and reconstructing the frequent pattern tree by integrating recursively constructed subtree frequent pattern trees, into positions in the frequent pattern tree.

[Leshem et al., column 11 lines 18-34] One aspect of the VWD format is the manner in which children nodes ("children") are displayed relative to their respective parent nodes ("parents"). (In the context of the preferred embodiment, the term "node" refers generally to a URL icon as displayed within the site map.) As illustrated by the collection of nodes shown in FIG. 3, the parent 44 is displayed in the center of the cluster, and the seven children 48 are positioned around the parent 44 over an angular range of 360 degrees. One benefit of this layout pattern is that it allows collections of related nodes to be grouped together on the screen in relatively close proximity to one another, making it easy for the user identify the parent-child relationships of the nodes. This is in contrast to the expandable folder type representations used by Webmapper.TM., the Windows.RTM. 95 Explorer, and other Windows.RTM. applications, in which it is common for a child to be separated from its parent folder by a long list of other children.

[Leshem et al., column 11 lines 51-65] As best illustrated by cluster 64 in FIG. 2, of which node 65 is the primary parent or "root" node, children which have two or more of their own children (i.e., grandchildren of the root) are positioned at a greater distance from the root node 65 than the leaf nodes of the cluster, with this distance being generally proportional to the size

Art Unit: 2443

of the sub-cluster of which the child is the parent. For example, node 66 (which has 3 children) is positioned farther from the cluster's root node 65 than leaf nodes 70; and the parent of cluster 60 is positioned farther from the root node 65 than node 66. As illustrated in FIG. 1, this layout principal is advantageously applied to all of the nodes of the Web site that have children. The recursive method (referred to as "Solar Layout") used by Astra to implement these layout and display principles is described below.

[Leshem et al., column 12 lines 37-58] As illustrated in FIG. 1, all of the nodes of the site map (with the exception of the home page node) are displayed as having a single incoming link, even though some of the URLs of the depicted Web site actually have multiple incoming links. Stated differently, the Web site is depicted in the site map 30 as though the URLs are arranged within a tree data structure (with the home page as the main root), even though a tree data structure is not actually used. This simplification to the Web site architecture is made by extracting a span tree from the actual Web site architecture prior to the application of a recursive layout algorithm, and then displaying only those links which are part of the spanning tree. (In applications in which the database being mapped is already arranged within a tree directory structure, this step can be omitted.) As a result, each URL of the Web site is displayed exactly once in the site map. Thus, for example, even though a particular GIF file may be embedded within many different pages of the Web site, the GIF file will appear only once within the map. This simplification to the Web site architecture for mapping purposes makes it practical and feasible to graphically map, navigate and analyze complex Web sites in the manner described above.

Han et al., as modified by Hoffberg et al., discloses a prior art method of using known techniques that are applicable to the frequent pattern tree data structure of Han et al., namely the use of intelligent, adaptive pattern recognition in order to provide the operator with a small number of high probability choices, which may be complex, without the need for explicit definition of each atomic instruction comprising the desired action. The interface system predicts a desired action based on the user input, a past history of use, a context of use, and a set of predetermined or adaptive rules; an interface that preferably initiates a programming sequence where a user wants to be, so that the interface has so-called "smart screens". For example, when a VCR is first powered up or after an extended power failure, and the time and date are not stored in the machine, the "set date" and "set time" screens should appear. The sequence of screens may also vary depending on the system predicted requirements of the user and

Art Unit: 2443

various aspects of an improved interface. The preferable input device for the interface of the present invention provides as few buttons as possible to achieve the required functionality, thus reducing potential user intimidation, focusing the user's attention on the interactive display screen, where the available choices are minimized to that number necessary to efficiently allow the user to program the discrete task presented. Such a minimization of discrete inputs facilitates a voice recognition input, which may be used as an alternative to mechanical input devices. The preferred embodiment includes a direct-manipulation type interface, in which a physical act of the user causes a proportionate change in the associated interface characteristic, such as cursor position. A computer mouse, e.g. a two dimensional input device, with 1 to 3 buttons is the preferred input device, for use with a general purpose computer as a controller, while a trackball on a remote control device is especially preferred for limited purpose controllers because they do not require a flat surface for operation. Other stationary or movement sensitive input devices may, of course be used, such as joysticks, gyroscopes, sonic echo-location, magnetic or electrostatic location devices, RF phase location devices, joystick-like device with magnets that move with respect to Hall effect transducers), etc. The present interface minimizes the number of necessary keys present on an input device, while maintaining the functionality of the interface. It is noted that a strict minimization without consideration of functionality, might lead to inefficiency. For example, in a VCR device, if the user wants to record a program which airs Monday through Friday, he would have to set five separate programs, rather than one program if a "weeknights" choice is made available that is applicable to the Applicant's life patterns

Art Unit: 2443

and episode creations; and frequent pattern tree data structure for use in mining frequent patterns from a database containing a plurality of records, the frequent pattern tree data structure comprising: a root, a plurality of nodes linked to the root, each node associated with a frequent item from the database, the nodes linked to form a plurality of paths, the paths each corresponding to an itemset in a record of the database which reads upon the claimed invention having respective nodes of the frequent pattern tree as roots, the episode analysis unit constructs the frequent pattern tree with a structure in which element data having a highest frequency becomes a root of a subtree, the life pattern interpretation unit identifies, based on the frequent pattern tree, a device A and a device B, which have a high frequency for being used in association with each other, as a combination having a high association frequency, even when each of said device A and said device B are combined and used in association with various other devices, and the control unit controls, in linkage with each other, at least said device A and said device B upon which the claimed invention can be seen as an improvement.

Leshem et al. teaches a prior art comparable software system and associated methods for facilitating the analysis and management of web sites comprising a method of creating new episodes by extracting subtrees having, as new roots, nodes which are offspring of a node equivalent to a root of the frequent pattern tree, tracking nodes within each of the extracted subtrees starting from the root, and combining element data stored in the nodes; performing, recursively, the subtree extraction and said creating new episode operation on the created new episodes until there are no more subtrees;

Art Unit: 2443

and reconstructing the frequent pattern tree by integrating recursively constructed subtree frequent pattern trees, into positions in the frequent pattern tree.

Thus, the manner of enhancing a particular device (software system and associated methods for facilitating the analysis and management of web sites comprising a method of creating new episodes by extracting subtrees having, as new roots, nodes which are offspring of a node equivalent to a root of the frequent pattern tree, tracking nodes within each of the extracted subtrees starting from the root, and combining element data stored in the nodes; performing, recursively, the subtree extraction and said creating new episode operation on the created new episodes until there are no more subtrees; and reconstructing the frequent pattern tree by integrating recursively constructed subtree frequent pattern trees, into positions in the frequent pattern tree) was made part of the ordinary capabilities of one skilled in the art based upon the teaching of such improvement in Leshem et al. Accordingly, one of ordinary skill in the art would have been capable of applying this known "improvement" technique in the same manner to the prior art method of using known techniques that are applicable to the frequent pattern tree data structure of Han et al., namely the use of intelligent, adaptive pattern recognition in order to provide the operator with a small number of high probability choices, which may be complex, without the need for explicit definition of each atomic instruction comprising the desired action. The interface system predicts a desired action based on the user input, a past history of use, a context of use, and a set of predetermined or adaptive rules; an interface that preferably initiates a programming sequence where a user wants to be, so that the interface has so-called

Art Unit: 2443

"smart screens". For example, when a VCR is first powered up or after an extended power failure, and the time and date are not stored in the machine, the "set date" and "set time" screens should appear. The sequence of screens may also vary depending on the system predicted requirements of the user and various aspects of an improved interface. The preferable input device for the interface of the present invention provides as few buttons as possible to achieve the required functionality, thus reducing potential user intimidation, focusing the user's attention on the interactive display screen, where the available choices are minimized to that number necessary to efficiently allow the user to program the discrete task presented. Such a minimization of discrete inputs facilitates a voice recognition input, which may be used as an alternative to mechanical input devices. The preferred embodiment includes a direct-manipulation type interface, in which a physical act of the user causes a proportionate change in the associated interface characteristic, such as cursor position. A computer mouse, e.g. a two dimensional input device, with 1 to 3 buttons is the preferred input device, for use with a general purpose computer as a controller, while a trackball on a remote control device is especially preferred for limited purpose controllers because they do not require a flat surface for operation. Other stationary or movement sensitive input devices may, of course be used, such as joysticks, gyroscopes, sonic echo-location, magnetic or electrostatic location devices, RF phase location devices, joystick-like device with magnets that move with respect to Hall effect transducers), etc. The present interface minimizes the number of necessary keys present on an input device, while maintaining the functionality of the interface. It is noted that a strict minimization without

Art Unit: 2443

consideration of functionality, might lead to inefficiency. For example, in a VCR device, if the user wants to record a program which airs Monday through Friday, he would have to set five separate programs, rather than one program if a "weeknights" choice is made available that is applicable to the Applicant's life patterns and episode creations; and frequent pattern tree data structure for use in mining frequent patterns from a database containing a plurality of records, the frequent pattern tree data structure comprising: a root, a plurality of nodes linked to the root, each node associated with a frequent item from the database, the nodes linked to form a plurality of paths, the paths each corresponding to an itemset in a record of the database which reads upon the claimed invention having respective nodes of the frequent pattern tree as roots, the episode analysis unit constructs the frequent pattern tree with a structure in which element data having a highest frequency becomes a root of a subtree, the life pattern interpretation unit identifies, based on the frequent pattern tree, a device A and a device B, which have a high frequency for being used in association with each other, as a combination having a high association frequency, even when each of said device A and said device B are combined and used in association with various other devices, and the control unit controls, in linkage with each other, at least said device A and said device B of Han et al., as modified by Hoffberg et al., and the results would have been predictable to one of ordinary skill in the art, namely, one skilled in the art would have readily recognized a system and method of a life pattern database.

Art Unit: 2443

Consider claim 3, as applied to claim 32. Hoffberg et al., as modified by Han et al. and Leshem et al., discloses a device linkage control apparatus wherein the episode creation unit creates the plurality of episode data, based on previously stored episode data creation rules, by gathering the element data included in the respective life data accumulated by the life data accumulation unit (Hoffberg et al., column 68 lines 19-36).

Consider claim 4, as applied to claim 32. Hoffberg et al., as modified by Han et al. and Leshem et al., discloses a device linkage control apparatus wherein the episode analysis unit structuralizes an associated use relationship by representing (Hoffberg et al., column 68 lines 46-67 and column 69 lines 1-20), as a frequent pattern tree, an appearance frequency and a combination pattern of the element data included in the plurality of episode data created by the episode creation unit, the frequent pattern tree associating, in each node, a type of the element data and a frequency which indicates said appearance frequency (Han et al., paragraph 0011).

Consider claim 5, as applied to claim 4. Hoffberg et al., as modified by Han et al. and Leshem et al., discloses a device linkage control apparatus wherein the episode analysis unit includes: a frequency derivation unit operable to calculate the frequency of each element data included in the plurality of episode data; a sorting unit operable to rearrange the element data within each of the plurality of episode data (Han et al., paragraph 0060), in a decreasing order of frequency; and a frequent pattern tree generation unit operable to generate, with regard to the. plurality of episode data, the

Art Unit: 2443

frequent pattern tree by sequentially retrieving the element data, and placing the retrieved element data as new nodes in the frequent pattern tree, or incrementing the frequency of an existing node (Hoffberg et al., column 142 lines 7-36).

Consider claim 6, as applied to claim 32. Hoffberg et al., as modified by Han et al. and Leshem et al., discloses a device linkage control apparatus wherein the life pattern interpretation unit generates, as the life pattern information (Hoffberg et al., column 75 lines 43-60), information indicating a combination of devices corresponding to nodes that are in a parent-offspring relationship in the frequent pattern tree (Han et al., paragraph 0011).

Consider claim 7, as applied to claim 6. Hoffberg et al., as modified by Han et al. and Leshem et al., discloses a device linkage control apparatus wherein the life pattern interpretation unit includes: a node detection unit operable to detect a current node in the frequent pattern tree; a parent node detection unit operable to detect all nodes that are parent nodes of the detected node; and a life pattern output unit operable to output, as the life pattern information, information indicating that a device corresponding to the detected parent node and a device corresponding to the current node are in an associated use relationship (Han et al., paragraphs 0041 and 0104).

Consider claim 9, as applied to claim 32. Hoffberg et al., as modified by Han et al. and Leshem et al., discloses a device linkage control apparatus wherein the episode

Art Unit: 2443

analysis unit includes: a frequency derivation unit operable to calculate the frequency of each element data included in the plurality of episode data; a sorting unit operable to rearrange the element data within the each of the plurality of episode data, in a decreasing order of frequency (column 132 lines 43-67 and column 133 lines 1-3); a frequent pattern tree generation unit operable to generate, with regard to the plurality of episode data, the frequent pattern tree by sequentially retrieving the element data, and placing the retrieved element data as new nodes in the frequent pattern tree, or incrementing the frequency of an existing node; a subtree extraction unit operable to separate the generated frequent pattern tree into subtrees having, as new roots, nodes which are offspring of the root of the frequent pattern tree; an episode re-creation unit (Hoffberg et al., column 50 lines 59-62) operable to create episode data from the separated subtrees; a reconstruction unit operable to reconstruct the subtrees by repeating, on the created episode data, the calculation by the frequency derivation unit, the rearrangement by the sorting unit, and the frequent pattern tree generation by the frequent pattern tree generation unit (Han et al., paragraph 0003); and a subtree combining unit operable to combine the reconstructed subtrees to the original pattern tree (Han et al., Claim 36 and Hoffberg et al., column 58 lines 49-54).

Consider claim 10, as applied to claim 32. Hoffberg et al., as modified by Han et al. and Leshem et al., discloses a device linkage control apparatus wherein the episode analysis unit includes: an input episode data storage unit operable to store, as input episode data, the plurality of episode data created by the episode creation unit; an input

Art Unit: 2443

episode number determination unit operable to obtain a number of the input episode data stored in the input episode data storage unit (Hoffberg et al., column 3 lines 22-56); a most-frequent element identification unit operable to identify the element data with the highest frequency from within each input episode data; a most-frequent element extraction unit operable to extract the element data with the highest frequency from within each input episode data, and add the extracted element data to output episode data; an output episode data storage unit operable to store the output episode data; an input episode classification unit operable to classify the input episode data according to the type of the element data; and a frequent pattern tree generation unit operable to generate the frequent pattern tree that associates, in respective nodes, the appearance frequency and combination pattern of the element data with the type of the element data and the frequency which indicates said appearance frequency, the element data being included in the output episode data stored in the output episode data storage unit (Hoffberg et al., column 67 lines 9-25).

Consider claim 11, as applied to claim 32. Hoffberg et al., as modified by Han et al. and Leshem et al., discloses a device linkage control apparatus wherein the episode creation unit creates element data respectively indicating a device and the usage time of the device based on the life data, and creates, in the case where the usage times of the respective element data have a fixed inclusive relationship or an overlapping relationship, episode data that includes said respective element data (Hoffberg et al., column 99 lines 41-62 and column 126 lines 25-43).

Consider claim 12, as applied to claim 32. Hoffberg et al., as modified by Han et al. and Leshem et al., discloses a device linkage control apparatus wherein the episode creation unit creates, based on the life data, event data respectively indicating a device, an event occurring with the device, and an occurrence time of the event, and creates, in the case where the occurrence times of the respective event data have a fixed inclusive relationship or an overlapping relationship, episode data including element data corresponding to the devices indicated by said respective event data (Hoffberg et al., column 3 lines 22-56).

Consider claim 14, as applied to claim 32. Hoffberg et al., as modified by Han et al. and Leshem et al., discloses a device linkage control apparatus wherein, in the case where it is detected that a state of a first device indicated in the life pattern information has changed, the control unit causes a state of a second device indicated in the life pattern information to change by controlling the second device (Hoffberg et al., column 68 lines 59-67 and column 69 lines 1-20).

Consider claim 16, as applied to claim 15. Hoffberg et al., as modified by Han et al. and Leshem et al., discloses a device linkage control apparatus wherein, in the case where it is detected that a setting of a preset time of the timer included in the first device is changed, the control unit changes a setting of a preset time of the timer included in

Art Unit: 2443

the second device in such a way that a difference between the times before changing and the times after changing is the same (Hoffberg et al., column 85 lines 48-63).

Consider claim 17, as applied to claim 14. Hoffberg et al., as modified by Han et al. and Leshem et al., discloses a device linkage control apparatus wherein, in the case where it is detected that the state of the first device indicated in the life pattern information has changed, the control unit i) previously generates and records change information indicating that the state of the second device indicated in the life pattern information should be changed, and ii) causes the state of the second device to change by controlling the second device according to the change information after a predetermined time elapses (Hoffberg et al., column 127 lines 45-67 and column 128 lines 1-9).

Consider claim 18, as applied to claim 17. Hoffberg et al., as modified by Han et al. and Leshem et al., discloses a device linkage control apparatus wherein the first and the second devices respectively include a timer, and in the case where it is detected that setting details of the timer included in the first device is changed, the control unit i) previously generates and records change information that includes an instruction to change the setting details of the timer included in the second device and a designation for a time for said change, and ii) changes the setting details of the timer included in the second device according to the change information when said time comes (Hoffberg et al., column 90 lines 41-67 and column 91 lines 1-43).

Consider claim 19, as applied to claim 14. Hoffberg et al., as modified by Han et al. and Leshem et al., discloses a device linkage control apparatus wherein the control unit previously stores a plurality of linkage information identifying details of the control and selection condition information indicating conditions for selecting one linkage information from among the plurality of linkage information; and in the case where it is detected that the state of the first device indicated in the life pattern information has changed, the control unit selects one of the plurality of linkage information by referring to the selection condition information, and causes the state of the second device indicated in the life pattern information to change, by controlling the second device according to the selected linkage information (column 133 lines 4-43).

Consider claim 20, as applied to claim 19. Hoffberg et al., as modified by Han et al. and Leshem et al., discloses a device linkage control apparatus wherein the first and the second devices respectively include a timer, the linkage information indicates a difference between preset times of timers included in the first and second devices, the selection condition information indicates a correspondence of a setting value of the preset time of the timer included in the first device and the linkage information that needs to be selected, and in the case where it is detected that setting details of the preset time of the timer included in the first device is changed, the control unit selects one linkage information corresponding to the changed preset time from among the plurality of linkage information by referring to the selection condition information, and

Art Unit: 2443

changes the preset time of the timer included in the second device according to the selected linkage information (Hoffberg et al., column 58 lines 30-67 and column 59 lines 1-8).

Consider claim 21, as applied to claim 14. Hoffberg et al., as modified by Han et al. and Leshem et al., discloses a device linkage control apparatus wherein the first and the second devices respectively include a timer, and in the case where it is detected that setting details of the timer included in the first device is cancelled, the control unit cancels the setting details of the timer included in the second device (Hoffberg et al., column 86 lines 49-67, column 87 lines 1-2, column 111 lines 26-43 and column 115 lines 3-27).

Consider claim 22, as applied to claim 14. Hoffberg et al., as modified by Han et al. and Leshem et al., discloses a device linkage control apparatus wherein the first and the second devices respectively include a timer, and in the case where it is detected that setting details of the timer included in the first device is changed, the control unit causes the second device to make a sound output or a display output by controlling the second device, said output indicating that said setting details is changed (Hoffberg et al., column 150 lines 66-67 and column 151 lines 1-7).

Consider claim 41, as applied to claim 32. Hoffberg et al., as modified by Han et al. and Leshem et al., discloses a device linkage control apparatus wherein each of the

Art Unit: 2443

nodes of the frequent pattern tree correspond to a different one of the devices that are to be controlled, the life pattern interpretation unit identifies information indicating two or more of the different devices as the life pattern information, and the control unit controls the two or more different devices indicated by the life pattern information that are in linkage with each other (Leshem et al., Figure 3, element 44).

Response to Arguments

9. Applicant's arguments filed 17 September 2008 with respect to claims 3-7, 9-12, 14, 16-22 and 32-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 2443

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be faxed to (571) 273-8300 or mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window

Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Mark Fearer whose telephone number is (571) 270-1770. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2443

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Mark Fearer
/M.D.F./
September 4, 2009

/George C Neurauter, Jr./

Primary Examiner, Art Unit 2443